

MAY 28 2002 16:21 FR BROBECK

1644
TO 917038729307

P.01

FACSIMILE TRANSMISSION

Transmission problems: 858-720-2946

FAX RECEIVED

MAY 29 2002

GROUP 1600

Brobeck

ATTORNEYS AT LAW

May 28, 2002

Brobeck, Phleger & Harrison LLP

12750 High Bluff

Suite 300

San Diego, California 92130-2081

PHONE 858.720.2500

FAX 858.720.3700

www.brobeck.com

OFFICE

PAGES TO FOLLOW COVER	5	USER ID	100454	CMID NUMBER	030639.0034.CPA1
-----------------------	---	---------	--------	-------------	------------------

TO

RECIPIENT	COMPANY	TELEPHONE	FAX
Examiner Nolan	U.S. Patent & Trademark Office	703-305-1987	703-872-9307

FROM

SENDER	EMAIL	TELEPHONE	FAX
Lisa McGeehan	lmcgeehan@brobeck.com	(858) 720-2584	(858) 720-3700

MESSAGE

Re: Application Serial No. 08/737,446

RECEIVED
JUN 04 2002
TECH CENTER 1600/2900

PRIVILEGED AND CONFIDENTIAL

All information transmitted hereby is intended only for the use of the addressee(s) named above. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient(s), please note that any distribution or copying of this communication is strictly prohibited. Anyone who receives this communication in error should notify us immediately by telephone and mail the original message to us at the above address.

Received from < > at 5/28/02 7:18:55 PM [Eastern Daylight Time]

MAY 28 2002 16:22 FR BROBECK

FAX RECEIVED

MAY 29 2002 917038729307

P.02

GROUP 1600

PATENT
030639.0034.CPA1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: John Dupre

Serial No.: 08/737,446

Filed: January 10, 1997

Title: **TREATMENT OF DIABETES**

Group Art Unit: 1644

Examiner: Nolan, P.

TECH CENTER 1600/2900

JUN 04 2002

RECEIVED

#29
gnd

Box AF
Commissioner for Patents
Washington, D.C. 20231

RESPONSE AFTER FINAL

Dear Sir:

This communication is responsive to the Final Office Action mailed February 26, 2002, in the above-identified patent application. As this Response is being filed within the shortened three-month period for response, it is believed that no additional fee is due therefor. If, however, any fee should become due, or credit become payable, during the pendency of these proceedings, the Examiner is authorized to charge or credit the same to deposit account number 50-1273.

Applicant thanks the Examiner for granting a telephonic interview for discussion of the Final Office Action in the present application. The telephonic interview occurred on May 21, 2002, between Examiner Nolan and Applicant's Representatives, Bradford Duft and Lisa McGeehan. Agreement was reached to withdraw all outstanding rejections upon filing a terminal disclaimer which would render the rejection for alleged double patenting moot. The substance of the interview is incorporated throughout this response.

CERTIFICATE OF TRANSMISSION
(37 C.F.R. §1.8)

I hereby certify that this paper (along with anything referred to as being attached or enclosed) is being transmitted, via facsimile, to the United States Patent and Trademark Office on the date indicated below.

Lisa M. McGeehan
Lisa M. McGeehan

May 28, 2002
Date

C:\N:\PortB\SDILIB1\LM03\443601_1.DOC